31.3.2

20b (אמר רבי עקיבא אני לא באתי...) ← 21b (הכא בלוקח תליא מילתא)

> 1. **וְהַעֲבַרְתָּ** כָל פֶּטֶר רֶחֶם לַה' וְכָל פֶּטֶר שֶׁגֶר בְּהֵמָה אֲשֶׁר יִהְיֶה לְךָ הַזְּכָרִים לַה': *שמות יג,יב*
> 2. וְכָל מַעְשַׂר בָּקָר וָצֹאן כֹּל אֲשֶׁר **יַעֲבֹר** תַּחַת הַשָּׁבֶט הָעֲשִׂירִי יִהְיֶה קֹּדֶשׁ לַה': *ויקרא כז:לב*

I   Continued analysis of ברייתא, specifically disagreement between ר"ע and ר' יהושע
  - a   *Proposal*: they disagree as to whether nursing is a sign of having birthed
    - i   ר"ע: most animals that nurse have birthed → if nursing, already ביכרה
    - ii   ר"י: a minority of them nurse without birthing → may be לא ביכרה
      - 1   *Challenge*: ר' יהושע is not חושש למיעוט, per his dissent re: mother-in-law who left town pregnant (and she had no other brothers-in-law and her husband subsequently died w/o children)
        - (a)   ר"י: a majority of pregnant women have live births, but 50% have daughters; add that to minority who miscarry → רוב that she didn't have living son, therefore, widow may remarry w/o חליצה
      - 2   *Rather*: reverse alignment → ר"י maintains that nursing is a פטור, ר"ע disagrees
II   תוספתא בכורות ז:ב: a kid that had triplets (all F) and they each had triplets – all enter corral together for מע"ב
  - a   ר"ש: saw that she was מעשר during the year (i.e. mother was also in same corral for מע"ב)
    - i   *Question*: why the need for 3x3? 2 of them could have had 2 each+3+3 mothers=10
      - 1   *Answer*: since at least one of them has to have 3, it was easier to teach 3x3
    - ii   *Question*: why have 3 from any of them (which is unusual)? Why not structure the case so that each has 2 and then mother has another 1? (3+6+1=10)?
      - 1   *Answer*: perhaps the author holds that מטנפת cannot later have a child during that year
        - (a)   *Correction*: perhaps מטנפת could have a child during the year; but not a יולדת
    - iii   *Analysis of ר"ש's dissent*: wherein lies their disagreement?
      - 1   *Possibility #1*: they disagree about whether to accept זעירי's assessment that טינוף is at least 30 days
      - 2   *Possiblity #2*: they agree to accept זעירי; disagree if animals have abbreviated gestations
      - 3   *Possibility #3*: all agree that gestations are only full-term; they disagree about מקצת היום ככולו in that case
      - 4   *Possibility #4*: all agree to apply מקצת היום ככולו; disagree if מחוסר זמן (before day#8) enters corral for מע"ב
        - (a)   *Supporting ברייתא: ר"ש* - מחוסר זמן enteres corral for מע"ב; just like בכור
          - (i)   בכור: is קדוש before it is fit for offering, so too with מעשר בהמה
          - (ii)   *Challenge*: why not infer from קדשים – which aren't קדוש until they are in a fit זמן?
            - 1. *Answer*: בכור is more similar to מעשר
              - a.   *גואל*: cannot be redeemed, even if it gets a מום
              - b.   *מום*: קדושה applies to them, even if בעלי מום
              - c.   *תמורה*: their תמורה (unlike תמורת קדשים) is not offered
              - d.   *אכילה*: eaten by proper owners, even if בעלי מום
            - 2. *Challenge*: קדשים are more similar to מעשר
              - a.   *זכר*: could be male or female, unlike בכור
              - b.   *קדוש*: requires sanctification, unlike בכור
              - c.   *במתנות*: not a gift to כהנים, unlike בכור
              - d.   *פשוט*: applies to all animals, even non first-born (unlike בכור)
            - 3. *Answer*: he infers it via גז"ש of העברה:העברה (vv. 1-2)
III   Miscellany
  - a   *Defintion of "טינוף": רב* - per shepherds' report – an animal that blocked the embryo; שמואל – blood bubbles
  - b   *Requirement to show טינוף to חכם*: means רועה חכם (experienced shepherd); חכם isn't familiar
  - c   ר' חסדא: we have a tradition of 40 days of gestation before וולד is formed; how long for animal?
    - i   ר"פ (to אביי): isn't this answered by זעירי (30 days for טינוף)?
    - ii   *Rejection*: that is for mating; she won't mate for 30 days afterwards
IV   Revisiting case of משנה – buying from non-Jew; what about buying an animal from ישראל?
  - a   רב: assume it hasn't yet birthed (חייב←); if it had, the owner would have bragged about it
  - b   שמואל: ספק; he may not have announced it as he thought the buyer purchased for שחיטה, and it doesn't matter
  - c   ר' יוחנן: assume it already bore a child (פטור←); else, he would have notified the buyer
    - i   *Proposed support*: ברייתא – if seller didn't notify about selling mother/child on same day, שוחט w/o concern
    - ii   *Block*: in that case, it is the seller's responsibility; here, it is buyer's onus